

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re: Calvin O'Neal Suiter XXX-XX-2808)	
Gilda Dixon Suiter XXX-XX-2893)	
509 Uzzle Street)	Case No. B-10-80951
Durham, NC 27713)	
)	
Debtor)	

OBJECTIONS TO CONFIRMATION OF AMENDED PROPOSED PLAN

Unsecured creditor, Marilyn Welch, by and through the undersigned counsel, hereby submits the following objections to the amended proposed plan:

1. The proposed plan, if adopted would constitute an abuse of the bankruptcy laws and protections afforded by the Court and would be inequitable to the unsecured creditors for the following reasons:
 - a. Debtors provide in their amended plan that “The debtor has provided acceptable evidence of consistent charitable contributions as to the amount deducted for determination of disposable income as allowed under 11 U.S.C. Sec. 1325(b)(2)(8).” Debtors have provided no such evidence. Additionally, Debtors testified at the 2004 Exam conducted on behalf of Creditor Marylin Welch, that they did not regularly make charitable contributions in the amount of \$2,200.00 per month; and
 - b. Debtor has a monthly net income of \$1,243.20 after all proposed plan payments and the \$2,200.00 charitable deduction as indicated by the Debtors’ Amended Schedules I &J, filed on November 16, 2010.

2. The proposed plan as amended does not in good faith use all of the available disposable income to retire the Welch indebtedness.

WHEREFORE, Marilyn Welch hereby requests the Court that it:

1. Reject Debtors' Amended Proposed Plan.
2. Afford Marilyn Welch the opportunity to be heard on this Motion.
3. Modify the plan to provide for payment of the Marilyn Welch claim (when liquidated) and deny discharge to any unpaid sums.
4. Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted this 16th day of December, 2010.

STARK LAW GROUP, PLLC

BY: /s/ Thomas H. Stark

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the *Objections to Confirmation of Proposed Plan* in the following manner:

(X) by CM-ECF and First Class Mail:

John T. Orcutt
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This the 16th day of December, 2010.

STARK LAW GROUP, PLLC

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